



**CT Corporation  
Service of Process Notification**

12/26/2023

CT Log Number 545419833

**Service of Process Transmittal Summary**

**TO:** Rebecca Thompson, Legal Svcs Spclst  
UnitedHealth Group Incorporated (111504190770700600)  
9900 BREN RD E STE 300W  
MINNETONKA, MN 55343-9693

**RE:** **Process Served in Minnesota**

**FOR:** United HealthCare Services, Inc. (200204190770700600) (Domestic State: MN)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** JAMES CLEMENT AND CORRINE CLEMENT, INDIVIDUALLY AND ON BEHALF OF THEIR MINOR CHILD, GRACE CLEMENT vs. LUMEN HEALTH CARE PLAN

**CASE #:** C20234497

**NATURE OF ACTION:** Insurance Litigation

**PROCESS SERVED ON:** CT Corporation System, Inc., Saint Paul, MN

**DATE/METHOD OF SERVICE:** By Traceable Mail on 12/26/2023

**JURISDICTION SERVED:** Minnesota

**ACTION ITEMS:** CT has purged the current log, Retain Date: 12/26/2023, Purge Date: 12/26/2023

Image SOP

Email Notification, Administrative Assistant legalmail@uhg.com

**REGISTERED AGENT CONTACT:** CT Corporation System, Inc.  
1010 Dale Street N  
Saint Paul, MN 55117  
877-564-7529  
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

**EXHIBIT  
A**



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Retail



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MONROE, LA 71203  
DEC 20, 2023

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STANDARD ENVELOPE  
REGISTERED

D RANDOLPH STREET  
LAW OFFICES OF STREET & STREET  
508 N 31<sup>ST</sup> ST  
MONROE LA 71201

TO:

UNITED HEALTHCARE SERVICES INC  
CT CORPORATION SYSTEMS INC  
1010 DALE ST N  
ST PAUL MN ~~55117-5603~~

55117-5603

*Law Offices of  
STREET & STREET*

C. DANIEL STREET  
D. RANDOLPH STREET

Attorneys-at-Law  
508 North 31st Street  
Monroe, Louisiana 71201

TELEPHONE: 318-325-4418  
Fax: 318-322-7656

December 20, 2023

United Healthcare Services, Inc.  
through its agent for service  
CT Corporation Systems, Inc.  
1010 Dale St. N.  
St. Paul, MN 55517-5603

CERTIFIED MAIL, RETURN  
RECEIPT REQUESTED

Re: James Clement and Corrine Clement individually and  
on behalf of their minor child Grace Clement  
vs. No. 23-4497  
Lumen Health Care Plan, Lumen Employee Benefits  
Committee and United Healthcare Services, Inc.

Dear Sirs:

Enclosed please find a citation and a certified copy of the petition I filed against you in the above-referenced matter arising out of the denial of my client's claims for health benefits. Failure to file responsive pleadings within thirty (30) days of receipt of this letter and the accompanying citation and petition may result in a judgment being rendered against you.

With kindest regards, I am

Very truly yours,

LAW OFFICES OF  
STREET & STREET  
BY:   
D. RANDOLPH STREET

DRS/sds/enc.



OPC.CV.7995772

**LONG-ARM CITIGATION**

**JAMES CLEMENT AND CORRINE  
CLEMENT INDIVIDUALLY AND ON  
BEHALF OF THEIR MINOR CHILD  
GRACE CLEMENT**

**VS**

**DOCKET NUMBER: C-20234497  
SEC: CV2**

**STATE OF LOUISIANA  
PARISH OF OUACHITA  
FOURTH JUDICIAL DISTRICT COURT**

**LUMEN HEALTH CARE PLAN,  
LUMEN EMPLOYEE BENEFITS  
COMMITTEE AND UNITED  
HEALTHCARE SERVICES INC**

**TO: UNITED HEALTHCARE SERVICES INC  
VIA LONG ARM**

**YOU HAVE BEEN SUED.**

Attached to this Citation is a certified copy of the Petition. The petition tells you what you are being sued for. You must EITHER do what the petition asks, OR, within THIRTY (30) days after the filing in the record of the affidavit of the individual who either mailed or actually delivered the process to you, you must file an answer or other legal pleadings in the Office of the Clerk of this Court at the Ouachita Parish Courthouse, 301 South Grand, Monroe, Louisiana. If you do not do what the petition asks, or if you do not file an answer or other legal pleading within the delays allowed by law, a judgment may be entered against you without further notice.

This Citation was issued by the Clerk of Court for Ouachita Parish this DECEMBER 18, 2023.

**OUACHITA PARISH CLERK OF COURT**

Also attached are the following:  
**PETITION**

Deputy Clerk of Court

\*\*\*\*\*  
REGULAR MAIL a certified copy of this Citation on this the DECEMBER 18, 2023, for mailing to UNITED HEALTHCARE SERVICES INC.

**TO: D. RANDOLPH STREET#24666  
508 NORTH 31ST STREET  
MONROE, LA 71201**



Deputy Clerk of Court

**TRUE COPY**

STATE OF LOUISIANA \* PARISH OF OUACHITA \* FOURTH DISTRICT COURT

JAMES CLEMENT AND CORRINE  
CLEMENT, INDIVIDUALLY AND ON  
BEHALF OF THEIR MINOR CHILD,  
GRACE CLEMENT

VERSUS NO. \_\_\_\_\_

LUMEN HEALTH CARE PLAN, LUMEN  
EMPLOYEE BENEFITS COMMITTEE  
AND UNITED HEALTHCARE SERVICES, INC.

FILED:

Ouachita Parish

C-20234497

Filed Dec 12, 2023 2:34 PM

CV2

Scarlett Allen

Deputy Clerk of Court

DEPUTY CLERK OF COURT

PETITION

The petition of **JAMES CLEMENT** and **CORRINE CLEMENT**, husband and wife, individually and on behalf of their minor child, **GRACE CLEMENT**, respectfully represents:

1.

Made Defendants herein are:

1. **LUMEN HEALTH CARE BENEFIT PLAN**, an Employee Welfare Benefit Plan within the meaning of the Employee Retirement Income Security Act;
2. **LUMEN EMPLOYEE BENEFITS COMMITTEE**, the Plan Administrator of the **LUMEN HEALTH CARE BENEFIT PLAN** within the meaning of the Employee Retirement Income Security Act; and
3. **UNITED HEALTH CARE SERVICES, INC.**, the Claims Administrator and/or *de facto* administrator of the **LUMEN HEALTH CARE BENEFIT PLAN**;

which Defendants are liable unto Plaintiffs for the following reasons:

2.

Plaintiffs **JAMES CLEMENT** and **CORRINE CLEMENT** are husband and wife. Their minor child, **GRACE CLEMENT** is issue of their marriage. At all pertinent times herein, Plaintiff **JAMES CLEMENT** was (and remains) employed with **LUMEN TECHNOLOGIES** and a "primary" participant and beneficiary in the **LUMEN HEALTH CARE BENEFIT PLAN** (hereinafter, at times referred to as "The Plan"), while his wife, **CORRINE CLEMENT**, and their minor children, including **GRACE CLEMENT**, are beneficiaries pursuant of The Plan pursuant to the "Dependent Coverage" provisions.

*Alice Ellington*



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Correct Copy  
CertID: 2023121800248

Ouachita Parish  
Deputy Clerk Of Court

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3.

Plaintiffs show the **LUMEN HEALTH CARE BENEFIT PLAN** is an unfunded Employee Welfare Benefit Plan within the meaning of the Employee Retirement Income Security Act, 29 U.S.C. §1001, *et. seq.*, (ERISA) bearing Plan Number 512. Plaintiffs show The Plan has the capacity to sue and be sued for benefits owed by The Plan under the express terms of ERISA.

4.

Plaintiffs show the Plan Administrator of the **LUMEN HEALTH CARE BENEFIT PLAN** is the **LUMEN EMPLOYEE BENEFITS COMMITTEE**. Plaintiff shows the Plan Administrator has the capacity to sue and be sued under the express terms of ERISA.

5.

Plaintiffs show the Claims Administrator of the **LUMEN HEALTH CARE BENEFIT PLAN** is **UNITED HEALTH CARE SERVICES, INC.** Plaintiff shows the Claims Administrator, at all pertinent times herein and with respect to Plaintiffs' claims, exercised actual control over decisions of what benefits would or would not be paid by The Plan and, as a result, is subject to liability for any wrongful benefit denials.

6.

Plaintiffs show they were domiciled in Monroe, Ouachita Parish, Louisiana for a number of years while Plaintiff **JAMES CLEMENT** worked with **LUMEN TECHNOLOGIES** at its Monroe, Louisiana facilities. The claims made herein arise out of medical treatment and services rendered to Plaintiffs' minor child, **GRACE CLEMENT**, in 2021 in Louisiana (including in Ouachita Parish, Louisiana).

7.

Plaintiffs show on or about July 21, 2021, their minor child, **GRACE CLEMENT**, ingested an overdose of acetaminophen and was rushed to the emergency room at St. Francis Medical Center in the City of Monroe, Ouachita Parish, Louisiana.



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8.

At the emergency room at St. Francis Medical Center the level of acetaminophen in **GRACE CLEMENT**'s bloodstream was checked and found to be many times the therapeutic dose placing her at risk for severe liver damage or even death. The acetaminophen overdose protocol was initiated at the ER at St. Francis. This protocol calls for the administration of activated charcoal (Acetadote) in three separate administrations over a period of 21 hours.

9.

On July 21, 2021, **GRACE CLEMENT** was also in need of pediatric intensive care services which were not available at St. Francis Medical Center. Further, St. Francis Medical Center was at capacity and could not continue her care. Thus, St. Francis Medical Center staff could not hospitalize **GRACE**, could not provide her with the level of ICU care called for by her condition or provide psychiatric services. As a result, St. Francis Medical Center staff reached out to multiple healthcare facilities seeking to transfer **GRACE CLEMENT** for the care necessitated by her condition.

10.

Plaintiffs show Our Lady of the Lake Children's Hospital (hereinafter, OLOL) in Baton Rouge, Louisiana agreed to accept **GRACE CLEMENT** in transfer at approximately 7:00 p.m. on July 21, 2021. Due to the exigencies of the situation, OLOL requested that **GRACE** be transferred from St. Francis Medical Center in Monroe, Louisiana to OLOL in Baton Rouge by air.

11.

Plaintiff shows at the time of her transfer from St. Francis Medical Center in Monroe, Louisiana to OLOL in Baton Rouge, Louisiana, **GRACE CLEMENT** was still receiving IV Acetadote in accordance with the acetaminophen overdose protocol and was still in need of extensive monitoring of her heart rate, blood pressure, other vital signs and various blood levels. At the time of the transfer by air, she also remained in need of pediatric ICU services as well as psychiatric services not available at St. Francis Medical Center.



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12.

**GRACE CLEMENT** arrived at OLOL by air at 12:21 a.m. on July 22, 2022. She completed the acetaminophen overdose protocol and was eventually medically cleared. Thereafter, she was transferred from OLOL to another facility.

13.

The air evacuation from St. Francis Medical Center to Our Lady of the Lake Children's hospital was effected by Acadian Ambulance air med at a cost of \$55,379.00. Defendants wrongfully refuse to pay the costs of this emergency medical transportation. Plaintiffs show the air med or air evacuation costs are properly payable under any reasonable interpretation of The Plan and that the denial of the claim by Defendants is wrongful and in direct violation of the provisions of The Plan.

14.

Plaintiffs show they made multiple requests in writing by facsimile and U.S. Mail (with certificates of mailing) to the address provided in Defendants' notices seeking documents and other information relevant to Plaintiffs' appeal, including records, documents and other material pertaining to the original denial and any rules, guidelines or protocols relied upon to make the original payment decisions and appeal decisions. Despite these requests, Plaintiffs received none of the requested documentation.

15.

Plaintiffs further show the Claims Administrator and/or Plan Administrator failed to respond to the inquiries made by Plaintiffs about the pending claim, failed to respond to requests for information about the appeal procedures and failed to indicate whether the extensive medical documentation submitted by Plaintiffs on the Second Level and External Reviews were utilized, considered or reviewed. Plaintiffs further show the Claims Administrator and/or Plan Administrator provided multiple confusing notices to Plaintiffs, ignored the requests for notice and information sent by Plaintiffs' counsel and directed requests for medical authorizations and benefit determination letters to Plaintiffs' minor child,



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**GRACE CLEMENT**, rather than to counsel for Plaintiffs. Plaintiffs show these slipshod, confusing and improper practices, coupled with the failure to provide the documents relevant to the appeals and/or the failure to consider the evidence submitted by Plaintiffs constitutes a denial of the full and fair review required by ERISA, thereby implicating *de novo* review in this Court.

16.

Plaintiffs show they pursued a "first level" appeal of the denial of claim for the air evacuation services, then a "second level" appeal of the denial and, finally, an "external review" of the denial, all in accordance with the provisions of The Plan and all to no avail. Plaintiffs show they received notice of the second level appeal denial in January 2023. The express terms of The Plan allow for the filing of appeals and legal actions until the last day of the twelfth (12) month following (1) the date the "adverse benefit determination" was issued to them, or (2) until the last day of the twelfth (12) month following the deadline for filing an appeal. Therefore, this action is timely. Plaintiffs further show Defendants extended the deadlines for filing appeals and legal actions for an additional twelve (12) months due to the COVID-19 pandemic. Once again the claims brought by Plaintiffs are timely.

17.

Plaintiffs request an award of reasonable attorney fees against Defendants for the prosecution of this matter and that Defendants be cast with all costs.

**WHEREFORE, PLAINTIFFS PRAY** that Defendants be duly served and cited with a copy of this Petition and required to appear and answer same, and after lapse of all legal delays, and after due proceedings had, there be judgment herein in favor of Plaintiffs **JAMES CLEMENT** and **CORRINE CLEMENT**, husband and wife, individually and on behalf of their minor child, **GRACE CLEMENT** and against Defendants the **LUMEN HEALTH CARE BENEFIT PLAN**, the **LUMEN EMPLOYEE BENEFITS COMMITTEE** and **UNITED HEALTH CARE SERVICES, INC.**, for the benefits and attorney fees sought herein and for all costs of these proceedings.



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RESPECTFULLY SUBMITTED:

LAW OFFICES OF  
STREET & STREET  
ATTORNEYS FOR PLAINTIFF  
508 NORTH 31<sup>ST</sup> STREET  
MONROE, LOUISIANA 71201  
TELEPHONE (318) 325-4418  
FAX (318) 322-7656  
EMAIL drandolphstreet@yahoo.com

BY:

D. RANDOLPH STREET  
BAR NO. 24666

PLEASE SERVE DEFENDANTS:

Please return one certified copy of citation and one certified copy of this Petition to undersigned counsel for service on Defendant **LUMEN HEALTH CARE BENEFIT PLAN** under the Long Arm statute.

Please return one certified copy of citation and one certified copy of this Petition to undersigned counsel for service on Defendant **LUMEN EMPLOYEE BENEFITS COMMITTEE** under the Long Arm statute.

Please return one certified copy of citation and one certified copy of this Petition to undersigned counsel for service on Defendant **UNITED HEALTH CARE SERVICES, INC.**, under the Long Arm statute.

*Wic Ellington*



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